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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,932	09/29/2003	Shyh-Kwei Chen	YOR920030164US1 YOR.459	8291
48150 7590 10/06/2008 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER CRAWLEY, TALIA F				
ART UNIT 3687		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,932

Applicant(s)

CHEN ET AL.

Examiner

TALIA CRAWLEY

Art Unit

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Prosecution History Summary

- Claims 1-25 are all presently pending in the application.

Response to Amendment

The objection of claims 10, 13, 17, and 19-23 has been vacated in view of applicant's submission dated 07/16/2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in:

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Smartt (U.S. Patent No 5,963,956).

As per claim 1:

Smartt discloses a method of monitoring continual queries over moving objects, said method comprising: identifying a query region in a digital format (see column 1, lines 63-67); and strictly covering said query region by at least one shingle (see in particular column 13, lines 61-65), so that said query region is completely covered by said at least one shingle and no section of any said at least one shingle falls outside said query region (see in particular column 13, lines 17-24, wherein the tiles as disclosed by Smartt are created based on the size of the region that is to be covered, thereby inherently keeping the tiles within the query region).

As per claim 2:

Smartt discloses the method of claim 1, wherein, when said at least one shingle strictly covering a query region comprises a plurality of shingles, the shingles in said plurality are allowed to overlap (see in particular column 13, lines 61-65).

As per claim 3:

Smartt discloses the method of claim 1, further comprising: establishing an object identification listing for each object being monitored (see in particular column 18, lines 18-26), said object identification listing providing an indication of which shingles cover

an object (see for example column 13, lines 36-43) and which query region includes these shingles (see in particular column 21, lines 7-11).

As per claim 4:

Smartt discloses the method of claim 1, wherein said shingles are all one predetermined shape (see in particular column 16, lines 54-57).

As per claim 5:

Smartt discloses the method of claim 1, wherein the query regions comprise predetermined geographical areas on the earth's surface (see in particular column 6, lines 63-67 and column 7, lines 1-2) and said shingles comprise at least one of: two-dimensional shapes; and three-dimensional shapes (see in particular column 16, lines 22-26).

As per claim 6:

Smartt discloses the method of claim 1, further comprising: for a query region, determining an optimal shingle size for said query region (see in particular column 10, lines 23-39).

As per claim 7:

Smartt discloses the method of claim 6, wherein said strictly covering said query region comprises: forming a first strip rectangle based on said optimal shingle size, said first

strip rectangle aligned along an edge of said query region in a first dimension (see in particular column 21, lines 16-20 and 37-40).

As per claim 8:

Smartt discloses the method of claim 7, wherein said first strip rectangle fails to strictly cover said query region, said method further comprising: relative to a second dimension, forming a second strip rectangle based on said optimal shingle size (see in particular column 14, lines 55-67 and column 15, lines 1-9).

As per claim 9:

The method of claim 8, wherein said optimal shingle size allows said second strip rectangle to strictly cover said query region (see in particular column 17, lines 24-37).

As per claim 10:

The method of claim 9, wherein said first strip rectangle and said second strip rectangle overlay in order to achieve said strictly covering (see in particular column 17, lines 24-37).

As per claim 11:

The method of claim 8, wherein said optimal shingle size does not permit said second strip to strictly cover said query region, said method further comprising: in said second dimension, repeatedly forming a strip rectangle (see in particular column 7, lines 30-33

and 37-40) based on said optimal shingle size until said query region is completely covered by strip rectangles, wherein a final strip rectangle is allowed to overlap a previous strip rectangle to achieve said strict covering (see in particular column 16, lines 62-67 and column 17, lines 1-5).

As per claim 12:

Smartt discloses the method of claim 7, further comprising: forming shingles in said first strip rectangle, each said shingle based on said optimal shingle size, so as to strictly cover said first strip rectangle (see in particular column 16, lines 66-67 and column 17, lines 1-5).

As per claim 13:

The method of claim 12, wherein the strictly covering of said first strip rectangle is achieved by allowing a last shingle in said first strip rectangle to overlap a previously-placed shingle (see in particular column 13, lines 61-65).

As per claim 14:

The method of claim 8, further comprising: for each strip rectangle formed (see in particular column 7, lines 30-32 and 37-40), forming shingles in said strip rectangle in a manner that strictly covers said strip rectangle (see in particular column 21, lines 16-20 and 34-40).

As per claim 15:

Smartt discloses the method of claim 3, further comprising: identifying which shingles cover each object of interest ; and maintaining a query index of objects that are located in each query region, as based on which shingles cover the objects of interest (see in particular column 9, lines 17-25 and lines 55-58).

As per claim 16:

Smartt discloses the method of claim 15, wherein certain query evaluations are skipped by filtering out a subset of said objects of interest that have not moved from a shingle previously covering the object (see in particular column 13, 39-45).

As per claim 25:

Smartt discloses a signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method of monitoring continual queries over moving objects, said method comprising: strictly covering each of a query region by at least one shingle, wherein said strictly covering function comprises completely covering said query region by at least one shingle and no section of any said at least one shingle falls outside said query region (see for example column 16, lines 29-39).

4. Claims 17-20, 22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Jagadish et al. (U.S. Patent No 7,010,522).

As per claim 17:

Jagadish et al discloses a system of monitoring continual queries over moving objects, said system comprising: a module that strictly covers each query with at least one covering shingle, each said query being a region represented in a digital format, wherein the strictly covering function comprises completely covering a query by at least one said covering shingle, wherein none of said shingles strictly covering said query extends outside said query (see in particular column 6, lines 44-55, wherein the qgram is a digital area that is created to query various objects that are assigned string identifiers, such that the location of a string identifier within a qgram can be determined based on a query of the identifiers present within a particular qgram, whose areas are predetermined by the user), and each said shingle strictly covering said query is permitted to overlap another shingle strictly covering said query (see in particular column 6, lines 15-29, wherein the qgrams are overlapping).

As per claim 18:

Jagadish et al discloses the system of claim 17, further comprising: a calculator that skips certain query evaluations by filtering out a subset of said moving objects using said strict covering shingles (see in particular column 2, lines 47-52).

As per claim 19:

Jagadish et al discloses the system of claim 18, wherein said calculator further constructs a query index based on said covering shingles and said filtering out a subset of moving objects is based on said query index.(see in particular column 6, lines 15-28 and column 7, lines 61-64)

As per claim 20:

Jagadish et al discloses the system of claim 18, wherein said filtering out a subset of said moving objects is based on determining a relative movement since the last position with respect to shingle boundaries (see in particular column 7, lines 29-54).

As per claim 22:

Jagadish et al discloses the system of claim 18, wherein said filtering out a subset of said moving objects, further comprises: computing the covering shingles of an old object location; computing the covering shingles of a new object location; deleting an object ID instance from object lists associated with the queries that are covered by the covering shingles of the old location but not of the new location; and inserting an object ID instance into object lists associated with the queries that are covered by the covering shingles of the new location but not of the new location (see in particular column 8, lines 30-50).

As per claim 23:

Jagadish et al discloses the system of claim 18, wherein the filtering out of a subset of moving objects further comprises: computing the covering shingles of an old object location; computing the covering shingles of a new object location; and taking no action for queries that are covered by the covering shingles of both the new and the old locations (see in particular column 8, lines 30-50).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jagadish et al. (U.S. Patent No 7,010,522), in view of Smartt (US Patent No. 5,963,956).

In regards to claim 21, Jagadish et al. disclose a system of monitoring continual queries over moving objects, as applied above in the rejection of claims 17-19 under 35 U.S.C. 102(e), but Jagadish et al. do not explicitly disclose filtering out a subset of moving objects is based on building of a query index, said calculator further: predefining a set of shingles; strictly covering a range query with one or more said singles (this word has

been interpreted to be shingles for the sake of examination); and maintaining the ID of said range query with said covering shingles.

However, Smartt teaches filtering out a subset of moving objects is based on building of a query index, said calculator further: predefining a set of shingles; strictly covering a range query with one or more said singles (this word has been interpreted to be shingles for the sake of examination); and maintaining the ID of said range query with said covering shingles (see in particular column 13, lines 31-43 and lines 60-65; column 14, lines 3-6, 9-13, and 16-23).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify the invention as disclosed by Jagadish to maintain the ID of said shingles in a query index, because the usage of ID within the query indexing process would assist in the facilitation of filtering, and further reduce the amount of time necessary for the monitoring of object location.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smartt (US Patent No. 5,963,956).

In regards to claim 24, Smartt discloses a service based on monitoring continual queries over moving objects, said service comprising at least one of: providing a monitoring of moving objects against continual queries, each said query being a region represented in a digital format, using a method comprising a strictly covering of each said query region by at least one shingle, wherein said strictly covering function comprises completely covering a query region by said at least one shingle and no

section of any said at least one shingle falls outside said query region, but does not explicitly disclose providing a result of said monitoring using said method; and using a result of said monitoring using said method.

However, based on the broadest interpretation of the claim as written, "providing a result of said monitoring....and using a result of said monitoring using said method" can be considered merely intended use, and therefore would be obvious variants of the aforementioned invention as disclosed by Smartt as interpreted by someone of ordinary skill in the art at the time of the invention. In addition, the "service" that is mentioned in the preamble of claim 24 is also considered merely intended use, and therefore given little patentable weight.

Response to Arguments

Applicant's arguments filed 07/16/2008 with respect to the pending claims have been considered but are not persuasive.

Applicant asserts that the prior art reference Smartt, teaches away from the claimed invention, because the method of Smartt is not concerned with moving objects and does not demonstrate a query as being completely covered by one or more (possibly overlapping) shingles. The Examiner respectfully disagrees.

In general, a preamble limits the invention if it recites essential structure or steps, or if it is "necessary to give life, meaning, and vitality" to the claim. *Pitney Bowes, Inc. v. Hewlett-Packard Co.* 51 USPQ2d 1161 (Fed. Cir. 1999), *Catalina Marketing International Inc. v. Coolsavings.com Inc.*, 62 USPQ2d 1781 (Fed. Cir. 2002)

With regard to applicant's argument that (I am not interpreting correctly), Examiner respectfully disagrees. Consistent with MPEP 2111, during patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard:

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified.

Although claims are interpreted in light of the specification, limitations from the specification are not read into the claims. In re Van Geuns, 26 USPQ2d 1057 (CA FC 1993).

Claim 1 simply states a method of monitoring continual queries over moving objects, said method comprising: identifying a query region in a digital format; and strictly covering said query region by at least one shingle, so that said query region is completely covered by said at least one shingle and no section of any said at least one shingle falls outside said query region.

The invention as disclosed by Smartt meets all of the limitations of claim 1 as written, based on the broadest reasonable interpretation of one of ordinary skill. Smartt discloses in column 1, lines 63-67, a spatial query of objects within a particular range of x and y coordinates (effectively creating a tile around the query area), created so that

the query is contained within one or multiple tiles. It is the job of the Examiner to examine the scope of the claimed invention, thereby determining what makes the invention as claimed patentably distinct from the prior art. As written, claim 1 is found not to be patentably distinct over Smartt, based its broadest reasonable interpretation.

Applicant also asserts that in claim 2, Smartt teaches away from the claimed invention in that a query in the method of Smartt is not constructed of shingles. The Examiner respectfully disagrees.

Smartt clearly states in column 13, lines 61-65, that the method as disclosed provides a series of overlaps between every tile in a spatial database (therein termed "shingles"), representing tiles that overlap their nearest four neighbors.

Applicant also asserts that in claim 3, Smartt teaches away from the claimed invention, in that the descriptions of the locations in Smartt as cited have nothing to do with moving objects. The Examiner respectfully disagrees.

Claim 3 as written states the method of claim 1, further comprising: establishing an object identification listing for each object being monitored, said object identification listing providing an indication of which shingles cover an object and which query region includes these shingles.

Smartt teaches in columns 13, 18, and 21 a method of spatial querying that organizes objects within a spatial database. Each object within the database is assigned x and y coordinates and corresponding tiles (possibly overlapping), which are also assigned "shingle keys" uniquely representing each specific tile. Based on a query specification, a user can determine object locations by querying specific shingles that

contain those objects being queried. Claim 3 as written does not mention moving objects at all, and therefore that limitation was not considered for the purposes of examination.

Applicant also asserts that Jagadish teaches away from claim 17, stating that "a 'string' or 'substring' in a database is likewise totally different from either a query region or moving objects." The examiner respectfully disagrees.

Claim 17 states a system of monitoring continual queries over moving objects, said system comprising: a module that strictly covers each query with at least one covering shingle, each said query being a region represented in a digital format, wherein the strictly covering function comprises completely covering a query by at least one said covering shingle, wherein none of said shingles strictly covering said query extends outside said, and each said shingle strictly covering said query is permitted to overlap another shingle strictly covering said query.

Jagadish teaches in column 6, lines 15-55 that overlapping qgrams (defined in column 2, lines 7-8 and 44-46 as overlapping pieces of length q [sequences of q characters augmented with positional information]) can be searched in a query to identify all database strings that contain a particular query substring by way of position directed filtering. Substrings that do not fall within the upper or lower bounds of the query string (of the qgrams being searched) are filtered out of the search. Once again, the claim language as written does not disclose moving objects, and therefore moving objects were not considered for the purposes of examination.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TALIA CRAWLEY whose telephone number is (571)270-5397. The examiner can normally be reached on Monday to Thursday eight to five.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C./
Examiner, Art Unit 3687
9/26/2008

/Matthew S Gart/
Supervisory Patent Examiner, Art
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